

EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

CHARLIE JAVICE and OLIVIER AMAR,

Defendants.

Case No.: 1:23-cr-00251-AKH

[PROPOSED] ORDER

PURSUANT TO FED. R. CIV. P. 502(d)

Defendants Charlie Javice and Olivier Amar, with the consent of non-party privilege-holder [REDACTED], request that this Court issue an order pursuant to Federal Rule of Evidence 502(d) to facilitate the use of a single statement in a text message sent by Ms. Javice to Mr. Amar¹ and to protect non-party [REDACTED] against waiver of any privileges attaching to that statement;

Non-party [REDACTED] holds, and has held since the close of the acquisition of Frank by JPMorgan Chase, the right to assert or waive Frank's corporate privilege;

Absent an order from the Court, use of privileged statements can operate as a waiver of any applicable privilege, protection, and/or immunity with respect to disclosure in this case and other Federal or State proceedings;

Federal Rule of Evidence 502(d) states that "[a] federal court may order that the privilege or protection is not waived by disclosure connected with the litigation pending before that court – in which event the disclosure is also not a waiver in any other Federal or State proceeding";

¹ The statement—[REDACTED]—is included in a document provided to the Court by the government at ECF 321 and in documents presently marked for identification in this proceeding as GX801-9 and OA 178.

This Court finds good cause to issue an order pursuant to Rule 502(d); and

The Court shall retain jurisdiction over any matter or dispute arising from or relating to the implementation of this order;

IT IS HEREBY ORDERED that pursuant to Fed. R. Evid. 502(d), use of the referenced statement in this criminal proceeding shall not, for the purposes of this proceeding or any other proceeding in any other court, constitute a waiver by [REDACTED] of any privilege applicable to the statement, including the attorney-client privilege, attorney work product or any other privilege or protection recognized by law.

SO ORDERED.

Dated: _____
New York, NY

Alvin K. Hellerstein
United States District Judge